

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN KLOSTERMAN, et al
Plaintiff,

v.

Case No. 1:25-cv-00312-SJD-KLL

Judge Susan J. Dlott
Magistrate Karen L. Litkovitz

KONZA, LLC, RICHARD BOYDSTON,
and DENTONS BINGHAM
GREENEBAUM LLP, et al.,
Defendants.

PLAINTIFF'S CORRECTIONS AND CLARIFICATIONS TO JULY 7, 2025 FILING

TO THE HONORABLE COURT:

Plaintiff John Klosterman respectfully submits these corrections and clarifications to his July 7, 2025 filing [Doc.45] to ensure complete accuracy of the record and to prevent any misunderstanding regarding the evidence presented to this Court.

I. CORRECTIONS TO FACTUAL STATEMENTS

A. Complaint Reference Correction

Error: Plaintiff incorrectly referenced the "Second Amended Complaint" in his July 7, 2025 filing.

Correction: The current operative pleading is the Third Amended Complaint, which Plaintiff filed in response to new information provided by defendant Keller Williams regarding FRI Mason, LLC's concealed corporate identity and Jennifer Donnathan's role in the fraudulent scheme.

B. Board of Revision Testimony Clarification from transcripts at BOR hearing

Error: Plaintiff's July 7, 2025 filing may have created the impression that Jennifer Donnathan personally testified at Board of Revision hearings.

Correction: Jennifer Donnathan was not present at the Board of Revision hearings. Rather, Richard Boydston appeared on her behalf and testified about her purported "findings" as what he falsely represented to be a licensed real estate appraiser.

Critically, Boydston was oddly excluded from being sworn in at the hearing. The Hamilton County Auditor's attorney (Doe #4) stated that "because he was an officer of the court and a respected attorney of the community, he was not required to be sworn in" to give testimony. This unprecedented departure from standard procedure allowed Boydston to present Donnathan's fraudulent property valuations without taking an oath, while she remained absent from the proceedings entirely.

The fraud was compounded by Boydston's marking on the application that Donnathan was a licensed appraiser when she was, in fact, an unlicensed real estate appraiser with no authority to conduct the property valuations that artificially reduced property values by over \$100,000.

C. Photographic Evidence Reference

Error: Plaintiff's July 7, 2025 filing referenced "Exhibit B: Pictures taken July 5, 6, 2025" but did not attach said photographs.

Correction: Plaintiff deliberately withheld the photographic evidence due to black and white reproduction quality concerns that would not adequately demonstrate the current deplorable condition of the properties under HCLRC's current control. Plaintiff intends to present these photographs at trial for maximum impact and clarity. Plaintiff respectfully requests that the erroneous "Exhibit B" reference be disregarded, and confirms that all photographic evidence will be properly presented at trial.

II. CORRECTIONS TO CASE LAW CITATIONS

A. Federal Court Authority for Constructive Trust

Error: Plaintiff cited *Firestone v. Galbreath*, 747 F. Supp. 1556 (S.D. Ohio 1990) and other cases without independent verification of specific holdings regarding constructive trusts.

Correction: Federal courts have inherent equitable power to impose constructive trusts when property has been acquired through fraud or other wrongful conduct. *See generally* Fed. R. Civ. P. 65 (injunctive relief); federal court authority established in *Monroe v. Pape*, 365 U.S. 167 (1961) (federal court authority to remedy constitutional violations).

B. Ohio State Law Authority

Error: Plaintiff cited multiple Ohio appellate cases without independent verification of specific holdings.

Correction: Under Ohio law, constructive trusts are imposed to prevent unjust enrichment when property has been acquired through fraud or unconscionable conduct. *Ferguson v. Owens*, 9 Ohio St.3d 223, 225, 459 N.E.2d 1293 (1984). Ohio courts consistently recognize that "where one who, by fraud, actual or constructive, by duress or abuse of confidence, by commission of wrong, or by any form of unconscionable conduct... holds the legal right to property which he ought not, in equity and good conscience, hold and enjoy," equity will create a constructive trust. *Id.*

C. Federal Civil Rights Authority

Correction: The following authorities provide unassailable foundation for federal constructive trust relief:

1. Property Rights as Civil Rights

Property rights are fundamental civil rights protected by federal law. *Lynch v. Household Finance Corp.*, 405 U.S. 538 (1972).

2. State Action Doctrine

When government actors coordinate with private parties to deprive citizens of property through fraudulent means, federal courts have both authority and obligation to provide immediate relief. *Monroe v. Pape*, 365 U.S. 167 (1961).

3. Due Process Violations

Government coordination with private parties in property deprivation violates due process and creates federal civil rights liability requiring immediate judicial intervention. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982).

III. CLARIFICATION OF EVIDENCE ACCURACY

A. Strengthened Fraud Evidence

The correction regarding Boydston's unsworn testimony actually strengthens Plaintiff's fraud allegations by demonstrating:

- 1. Systematic circumvention of procedural safeguards - Boydston avoided oath requirements**
- 2. Abuse of professional status - Used "respected attorney" status to avoid accountability**
- 3. Proxy fraud scheme - Presented fraudulent valuations on behalf of absent, unlicensed appraiser**
- 4. Institutional coordination - Auditor's attorney facilitated unprecedented procedure**

B. Enhanced Pattern of Deception

Boydston's unsworn presentation of fraudulent valuations reveals a more sophisticated fraud scheme than initially described, involving:

- Deliberate avoidance of perjury charges through unsworn testimony**
- Exploitation of professional courtesy to circumvent standard procedures**

- **Use of absent proxy to present false evidence without direct accountability**
- **Coordination with governmental officials to facilitate procedural irregularities**

IV. CONFIRMATION OF INDISPUTABLE FACTS

Plaintiff uses all efforts to reference only the indisputable facts as stated in the Third Amended Complaint and as supported by:

- 1. Defendants' own sworn admissions to conducting an "engineered sale"**
- 2. HCLRC's written acknowledgments of coordinated transaction structure**
- 3. Federal criminal convictions of co-conspirators Lentine and Strunk**
- 4. Documentary evidence of systematic fraud and coordination**
- 5. Court transcripts containing defendants' confessions under oath**

These corrections do not alter the fundamental evidence underlying Plaintiff's Motion for Immediate Constructive Trust Relief, but rather enhance the accuracy of the factual presentation and strengthen the legal foundation for the requested relief.

V. CONCLUSION

These corrections demonstrate Plaintiff's commitment to accuracy and transparency before this Court. The corrected facts strengthen rather than weaken Plaintiff's case for immediate constructive trust relief, as they reveal an even more sophisticated pattern of fraud and procedural manipulation by defendants.

Importantly, these corrections provide unassailable legal authority through Supreme Court precedents (*Monroe, Lynch, Lugar*) and Ohio Supreme Court authority (*Ferguson*) while maintaining focus on the devastating factual evidence.

The core evidence remains unchanged and devastating: Defendants' own confessions to systematic fraud, federal criminal validation of the enterprise, and ongoing unjust enrichment from \$4.5 million in stolen property requiring immediate judicial intervention.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of these Corrections and Clarifications was served upon all parties of record on or about July 9, 2025, via Email.



John Klosterman

Date: July 9, 2025